

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



April 1, 2011

Mr. Kyrus L. Freeman
Mr. Steven E. Sher, Director
of Zoning and Land Use Services
Holland & Knight LLP
2099 Pennsylvania Avenue, NW, Suite 100
Washington DC 20006

Re: Zoning Commission Case No. 06-30 – Pollin Memorial Community Development
- Lot 804, Square 5040, Parcel 170/27 and Parcel 170/28 (the "Property")

Gentlemen:

This is to confirm the substance of our discussion on February 14, 2011 concerning the above referenced Property. The Property is the subject of a planned unit development (PUD) and zoning map amendment approved by the Zoning Commission pursuant to Order No. 06-30, dated December 10, 2007, and effective January 25, 2008. As noted in the Order, the District of Columbia is the owner of Parcels 170/27 and 170/28, the District of Columbia Housing Authority is the owner of Lot 804 in Square 5040. The approved project, which includes multiple properties, contains approximately 193,688 square feet of gross floor area dedicated to residential uses, with 91 row dwellings, eight 3-unit apartment buildings, and five flats, amounting to a total of 104 residential buildings and 125 units on a number of separate lots to be created. The project also includes the construction and dedication of new streets.

Condition No. 14 of the Order provides that the PUD approved by the Zoning Commission shall be valid for a period of two (2) years from the effective date of the Order, and that within such time an application must be filed for a building permit as specified in 11 DCMR § 2409.1. The condition further provides that construction must begin within three (3) years of the effective date of the Order, which is by January 25, 2011, in this instance. You advised that the Applicant has taken a number of steps to move forward with the development, including:

1. Recorded the PUD Covenant in the Land Records, as evidenced by document number 2008024752 recorded in the D.C. land records on March 6, 2008.
2. Completed the D.C. agency and legislative process to dedicate land for street and alley purposes, to amend the permanent system of highways to add land to create new public streets, to designate the new public streets as Water Lily Lane, N.E.,

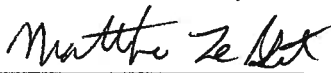
and Cassell Place, N.E., and to approve the proposed transfer of jurisdiction of land from the National Park Service to the District of Columbia, for residential purposes, as evidenced by the adoption of D.C. Law No.18-0068, which became effective on October 22, 2009.

3. Recorded the approved Transfer of Jurisdiction Plat on September 8, 2009 at Book 204, Page 44 in the D.C. Surveyor's Office.
4. Filed a master building permit application for the entire project on January 8, 2010, as evidenced by receipt number 233919 and building permit application number B1002530, and filed separate building permits for the lots fronting on public streets.
5. Applied for and received a Plat of Computation for the site showing the proposed new lots, as evidenced by the Plat of Computation recorded on May 7, 2010 at Book 204, Page 217 in the D.C. Surveyor's Office.
6. Executed a Declaration of Covenants - For a Storm Water Management Facility, dated May 20, 2010, with the District of Columbia.
7. Received administrative approval from me to update lot tabulations and revise the tenure location plan, as confirmed by letter dated June 5, 2009, and received approval for the issuance of building permits for improvements to be constructed on both A&T lots and record lots included in the project, as confirmed by letter dated September 14, 2010.
8. Submitted multiple applications for the issuance of assessment and taxation (A&T) lot numbers and plats for the property not fronting on existing streets, as evidenced by letters dated June 17, 2010, and September 23, 2010, to the Office of Tax and Revenue.
9. Filed for and received Building Permit No. B1009625, issued on August 31, 2010, which authorizes "Rough And Final Grading Permit For Pollin Memorial Community Development."
10. Created record lots for the property fronting on existing streets, as evidenced by the Subdivision Plat recorded on November 4, 2010, at Book 205, Page 28 in the D.C. Surveyor's Office.
11. Have started installing a pest abatement/treatment program for the authorized demolition and construction work, as confirmed by the invoices issued by Connor's Pest Protection.

12. Filed for and received Public Space Occupancy/Parking Permit No. PA10006628, issued July 8, 2010, for the erection of a "Construction Staging Area" for the project.
13. Filed for and received Construction and Public Rental Permit No. PA57210, issued September 21, 2010, for "Excavation: Abandonment(s) (Trench)" in connection with utility work for the project.
14. Began site work in October 2010, including site borings in connection with environmental studies on portions of the Property, as confirmed by the invoice and photographs prepared by Advantage Environmental Consultants.
15. Erected construction fencing around portions of the Property, as confirmed by the invoice dated November 19, 2010 and issued by Long Fence for "Link Fence w/ Barbed Wire Furnished and Installed."
16. Applied for and received addresses for each of the 88 units to be constructed with frontage on existing public streets, as confirmed by the separate letters dated December 2, 2010 and issued by DCRA.
17. Filed for and received multiple demolition permits (R1000082, R1000083, R1000084, R1000085, R1000086) for the existing structures on the Property.
18. Pursuant to the issued demolition permits, the Applicant has begun demolishing the existing structures on the Property.

You provided to me a copy of each of the items listed above. You also indicated that the Applicant has initiated construction for all issued permits other than the grading permit, will continue the work authorized pursuant to such permits, and that the Applicant is continuing to diligently pursue issuance of the pending permits. Moreover, I also note that although you filed for a master building permit application for the entire project on January 8, 2010, that permit has yet to be issued by the District. Therefore, based upon the actions taken to date as outlined in this letter, I hereby confirm that the Applicant has begun construction of the project in accordance with the timeframes set forth in Condition No. 14 of Zoning Commission Order No. 06-30 and Section 2408.9 of the Zoning Regulations, and has therefore vested its right to complete the PUD.

Please let me know if you have any further questions.

Sincerely, 
Matthew Le Grant
Zoning Administrator